

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 17 1997

Federal Communications Commission
Office of Secretariat

In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116

REPLY COMMENTS

Sprint Corporation hereby respectfully submits its reply to comments filed on June 2, 1997 on the recommendations of the North American Numbering Council ("NANC") regarding the implementation of telephone number portability. Commenting parties generally endorse the LNP recommendations of the NANC,¹ correctly pointing out that these recommendations "reflect the concerns and expertise of -- and reasonable compromises and accommodations by -- representatives from all sectors of the telecommunications industry" (AT&T, p. 1). Sprint responds herein to two parties -- Bell Atlantic/Nynex, and USTA -- which oppose the role of the regional Limited Liability Corporations ("LLCs") in managing the LNPAs, and which challenge the neutrality of LLCs.

The NANC's Local Number Portability Administration ("LNPA") Working Group described the legal and practical benefits of the LLC approach, and the measures adopted by the seven regional LLCs to ensure competitive neutrality, including open membership; a one-vote-per-member policy, except on matters of "significant importance," in which case a unanimous or "super majority" decision is required; their agreement to subject themselves to the governance of

¹ See, e.g., ALTS, p. 1; AT&T, p. 1; GSA, p. 2; Worldcom, p. 2.

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federal and state regulators; and their adoption of dispute resolution mechanisms (Report, Sections 4.3 - 4.6).

Bell Atlantic/Nynex is simply wrong in asserting (p. 1) that LLCs “are in all cases currently controlled by ‘competitive’ LECs.” As noted above and as discussed in greater detail in the NANC Working Group Report, membership in all seven of the LLCs is open and each member has only one vote. Each of the seven LLCs has representatives from the ILEC, CLEC and IXC segments of the industry.² It is Sprint’s understanding that with the exception of Bell Atlantic, all of the RBOCs, including Nynex, elected to join the LLC in their respective regions, and that all seven LLCs have non-RBOC ILEC representation as well. Bell Atlantic’s refusal to join the mid-Atlantic LLC does not render that LLC unable to perform in a competitively neutral fashion. To the contrary, the LLCs have been a key factor in the progress made to date to implement local number portability, and their success in negotiating with and selecting a vendor (which in most cases required considerable give and take among LLC participants) is evidence of the workability of the LLC approach. In Sprint’s opinion, the cumulative effect of the measures adopted by the LLCs to ensure competitive neutrality is sufficient to achieve the desired result. Bell Atlantic’s objections to the LLC approach should not be allowed to derail the efforts supported and promoted by the rest of the telecommunications industry.³

² Thus, contrary to Bell Atlantic/Nynex’s assertion (pp. 3-4), the LLCs are substantially different from the management group which currently governs the administration of the toll free database. The SMS Management Team is comprised solely of RBOC representatives and is not open to any other industry representatives.

³ Bell Atlantic/Nynex is also incorrect in asserting (p. 2) that the LLCs “were formed solely to implement landline portability.” Wireless service providers are eligible to participate and the

Bell Atlantic/Nynex also alleges (p. 4) that the Mid-Atlantic LLC “has already interfered with Bell Atlantic’s efforts to work with Lockheed Martin, the firm selected to be the LNPA in the mid-Atlantic states” by refusing to allow Bell Atlantic to observe the LLC’s contract discussions with Lockheed Martin. However, because Bell Atlantic refused to join the Mid-Atlantic LLC, it would be inappropriate for Bell Atlantic to participate in the contract discussions. Bell Atlantic is well aware that membership in the LLC would have given it the same negotiating rights and responsibilities as were conferred on other LLC members. Moreover, Bell Atlantic received the draft User Agreement and the RFP at the same time as all other members of the Maryland LNP consortium, and it could have begun its review of the User Agreement months ago instead of waiting until just prior to the test period.

Instead of allowing the LLCs to manage the LNPAs, Bell Atlantic/Nynex suggests (pp. 5-6) that the Commission “should adopt rules to govern the operation of the LNPAs.” It is not clear what rules Bell Atlantic has in mind here; however, unless these unspecified rules can be developed and adopted in the next few months, they will not be in place before local number portability is scheduled to begin (October 1997).

Alternatively, Bell Atlantic suggest that the Commission “delegate oversight of the LNPAs to an industry or standards body that operates by consensus under the rules of the American National Standards Institute” (p. 6). It is not clear how this is materially different from the LLC’s one vote per member, majority rule policy, whether a general industry or standards body is too cumbersome (relative to the existing LLCs) to manage the LNPA, or

LLCs are expected to address wireless issues once the Commission’s initial wireline portability requirements are satisfied.

whether Bell Atlantic's alternative can be implemented before October 1997. Unless Bell Atlantic/Nynex can present a more detailed proposal which can be shown to be workable and in place by October, such proposal should not be adopted.

USTA echoes Bell Atlantic/Nynex's position, stating without support (p. 3) that "it is doubtful that the one-vote-per member procedure will consistently guarantee equitable outcomes." Although USTA acknowledges that LLCs "have developed dispute resolution processes and have required that some decisions be made unanimously or by a super majority," it speculates, again without support, that "these protections may or may not suffice." USTA therefore suggests that "the administration of telephone number portability should be subject to guidelines designed to ensure procedural and substantive fairness," including, "[a]t a minimum...an opportunity for direct appeal to the Commission by any carrier alleging that an action undertaken by an LNPA vendor or an LLC...is not competitively neutral" (pp. 3-4).

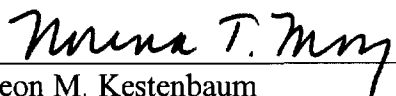
Here again, it is unclear what guidelines USTA has in mind here. Sprint does not object to USTA's request that a carrier have the opportunity to appeal to the Commission any decision which such carrier believes to be unfair or unreasonable. However, a carrier has this right under Section 208, and the LLCs have "established a dispute resolution process that provides in part for the resolution of disputes by the directive of an appropriate regulatory authority" (NANC Report, Section 4.4.6). Thus, USTA's proposal would seem to add little, if anything, to existing procedures designed to ensure competitive neutrality.

Bell Atlantic/Nynex and USTA have failed to demonstrate that the regional LLCs will be unable to perform their duties in a competitively neutral manner, and their suggested alternatives to the LLC approach are untimely, amorphous, and otherwise flawed. Therefore, their

alternative approach should be rejected, and the NANC's recommendations regarding LLCs should be adopted.

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June 17, 1997

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of Sprint Corporation was Hand Delivered or sent by United States first-class mail, postage prepaid, on this the 17th day of June, 1997 to the below-listed parties:


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